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3 District of Arizona  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff,

vs.

Luis Rivera  
(dba L&R Trucking, LLC)  
(dba Sunset Trucking, LLC),  
Defendant.

CR 18-01785-JGZ (BGM)

*AMENDED*  
PLEA AGREEMENT

Fast Track U.S.S.G. § 5K3.1

The parties enter into the following agreement:

1. Defendant will enter a plea to Count 9 of the Indictment, Unlawful Employment of Aliens, a misdemeanor offense, in violation of 8 U.S.C. §§ 1324a(a)(1)(A); 1324a(a)(2); 1324a(f); and 1324(a)(3).

2. The government will dismiss counts 1-8 in the Indictment charging the defendant with Harboring Illegal Aliens for Profit, a felony, in violation of 8, United States Code, Section 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i). The government will dismiss these charges at the time of sentencing.

3. The elements of Unlawful Employment of Aliens are as follows:

a. The defendant knowingly hired, continued to employ, and engaged in a pattern of practice of hiring and continuing to employ

b. Aliens who were unauthorized by law with respect to such employment (as

1 defined in Title 8 United States Code, Section 1324a(a)(h)(3));

2 c. With knowledge that the aliens were unauthorized for such employment.

3 4. The maximum penalty for the offense to which the defendant is pleading  
4 guilty is six (6) months in custody, a maximum fine of \$3,000 for each unauthorized alien,  
5 or both, and a \$10 special assessment.

6 5. Pursuant to this plea agreement and Fed. R. Crim. P.11(c)(1)(C), the  
7 government and the defendant stipulate to no jail time.

8 6. As a condition of this plea, the defendant agrees to pay \$10,000.00 in  
9 fines for the hiring of seven unauthorized aliens. Forfeiture of \$40,000.00, which  
10 includes (1) a 2008 Freightliner Corp. Cascadia, VIN: 1FUJGLCK98LAA7190 and  
11 (2) a 2009 Freightliner Corp. Cascadia, VIN: 1FUJGLCK09LAF1757 In addition, the  
12 defendant agrees to make two monthly payments, March 14, 2019 and April 14, 2019,  
13 of \$5,000.00 each against the balance owed.

14 7. *These actions did not constitute a violation of INA 274(a)(1)(A) or (a)(2).*

15 8. The defendant recognizes that pleading guilty may have consequences with  
16 respect to his/her immigration status if defendant is not a citizen of the United States.  
17 Under federal law, a broad range of crimes are removable offenses, including the offense(s)  
18 to which defendant is pleading guilty. Removal and other immigration consequences may  
19 be the subject of a separate judicial or administrative proceeding, and the defendant has  
20 discussed the direct and collateral implications this plea agreement may have with his or  
21 her defense attorney. Defendant nevertheless affirms that he/she wants to plead guilty  
22 regardless of any immigration consequences that this plea may entail, even if the  
23 consequence is defendant's automatic removal from the United States.

24 9. Defendant waives: (1) any right to appeal the Court's entry of judgment  
25 against the defendant; (2) any right to appeal the imposition of sentence upon defendant  
26 under 18 U.S.C. § 3742 (sentence appeals); and (3) any right to collaterally attack  
27 defendant's conviction and sentence under 28 U.S.C. § 2255, or any other collateral attack.  
28 This waiver shall not be construed to bar an otherwise-preserved claim of ineffective

1 assistance of counsel or of "prosecutorial misconduct" (as that term is defined by Section  
2 II.B of Ariz. Ethics Op. 15-01 (2015)).

3 10. Factual Basis for Plea:

4 From March 20, 2018 and continuing through July 3, 2018, defendant LUIS  
5 RIVERA hired E.C-V., J.U-J., A.E.-A., F.L-S., O.G-G., J.A-P., O.C., AND E.E-E.,  
6 all who were unauthorized aliens to drive semi-trucks of merchandize on behalf of  
7 defendant LUIS RIVERA and his companies. Defendant LUIS RIVERA knew these  
8 aliens were unauthorized to work in the United States. Defendant LUIS RIVERA  
9 also took steps to conceal the employment and work of each of the unauthorized  
10 aliens.

11 AGREEMENT AS TO FORFEITURE

12 a. Defendant, Luis Rivera, dba L&R Trucking, LLC and dba Sunset Trucking,  
13 LLC, knowingly and voluntarily agrees to forfeit all right, title and interest in:

- 14 1. a 2008 Freightliner Corp. Cascadia, VIN: 1FUJGLCK98LAA7190, and
- 15 2. a 2009 Freightliner Corp. Cascadia, VIN: 1FUJGLCK09LAF1757.

16 b. Defendant knowingly and voluntarily agrees not to pursue any filed claims,  
17 and to waive all interest in the asset listed above, in any administrative, civil or criminal  
18 judicial proceeding, whether state or federal, which may be initiated.

19 c. Defendant knowingly and voluntarily agrees to consent to the entry of orders  
20 of forfeiture for the forfeitable assets and waives the requirements of Federal Rules of  
21 Criminal Procedure, Rule 32.2 regarding notice of the forfeiture in the charging instrument,  
22 announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the  
23 judgment.

24 d. The defendant acknowledges that he understands that the forfeiture of assets is  
25 part of the sentence that may be imposed in this case and waives any failure by the Court  
26 to advise him/her of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), at  
27 the time his/her guilty plea is accepted.

28 e. Defendant knowingly and voluntarily agrees to waive all constitutional, legal,

1 and equitable defenses to all constitutional and statutory challenges in any manner  
2 (including direct appeal, habeas corpus, any jeopardy defense or claim of double jeopardy,  
3 or any other means), and knowingly and voluntarily agrees to waive any claim or defense  
4 under the Eighth Amendment to the United States Constitution, including any claim of  
5 excessive fine or punishment, to any forfeiture carried out in accordance with this plea  
6 agreement on any grounds.

7 f. Defendant warrants that he is the owner or has an interest in the property listed  
8 above, and knowingly and voluntarily agrees to hold the United States, its agents and  
9 employees harmless from any claims whatsoever in connection with the seizure or  
10 forfeiture of the above-listed asset covered by this agreement.

11 g. Defendant knowingly and voluntarily agrees and understands the forfeiture of  
12 the assets listed above shall not be treated as satisfaction of any assessment, fine,  
13 restitution, cost of imprisonment, or any other penalty this Court may impose upon the  
14 defendant in addition to the forfeiture.

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16  
17 5/6/19  
Date

18 X Luis RIVERA.  
Luis Rivera  
Defendant

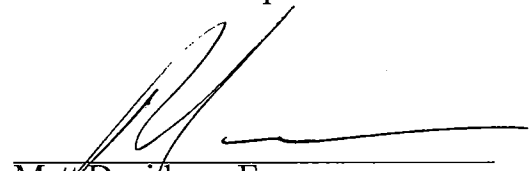
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20 DEFENSE ATTORNEY'S APPROVAL

21 I have discussed this case and the plea agreement with my client in detail and have  
22 advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the  
23 constitutional and other rights of an accused, the factual basis for and the nature of the  
24 offense to which the guilty plea will be entered, possible defenses, and the consequences  
25 of the guilty plea, including the defendant's waiver the right to appeal. No assurances,  
26 promises, or representations have been given to me or to the defendant by the government  
27 or by any of its representatives which are not contained in this written agreement. I concur  
28 in the entry of the plea as indicated above and on the terms and conditions set forth in this

1 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure  
2 that the guilty plea is entered in accordance with all the requirements of Fed. R. Crim. P.

3 11.

4 5-6-19  
5 Date

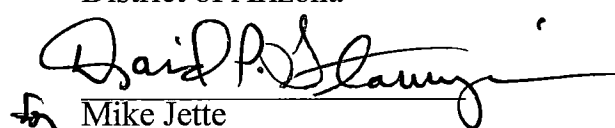
6   
7 Matt Davidson, Esq.  
8 Attorney for Defendant

9 GOVERNMENT'S APPROVAL

10 I have reviewed this matter and the plea agreement. I agree on behalf of the United  
11 States that the terms and conditions set forth are appropriate and are in the best interests of  
12 justice.

13 ELIZABETH A. STRANGE  
14 First Assistant United States Attorney  
15 District of Arizona

16 6 May 19  
17 Date

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19 Mike Jette  
20 Assistant U.S. Attorney